



PRESENT:

Mr. Jack R. Wilson, III, Chairman
Mr. Daniel A. Gecker, Vice-Chairman
Mr. Russell J. Gulley
Mr. Sherman W. Litton
Mr. F. Wayne Bass
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Mr. Michael E. Tompkins, Assistant Director/Zoning Administrator,
Development Review, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Teresa C. Davis, Administrative Secretary, Zoning and
Special Projects, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Development Review, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review, Planning Department
Mr. Joseph E. Feest, Planning Administrator, Development
Review, Planning Department

Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department
Ms. Michelle L. Martin, Secretary
Administrative Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Director,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Scott Flanigan, Acting Water Quality Administrator,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Lt. John P. Jones, Assistant Fire Marshal, Fire & Life Safety,
Fire Department
Mr. John "Buster" Frith, Communications Specialist,
Radio Shop

WORK SESSION

At approximately 12:00 p. m., Messrs. Wilson, Gecker, Gulley, Litton, Bass and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. Review Upcoming Agendas.**
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed.)
- C. Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- D. Plans and Information Section Update.**
- E. Work Program – Review and Update.**
- F. Deferred Item - Administrative Substantial Accord Determination.**

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
06PD0399* Matoaca	New Cingular Wireless PCS, LLC	Substantial Accord Determination	R1743 Reedy Branch (Welton)

- G. Deferred Item - Appointment of Members to Outdoor Advertising Committee.**

H. **Deferred Item - Code Amendment Relative to Sale of Alcoholic Beverages Within Proximity of School Sites.**

I. **Adjournment.**

A. **REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission amended the agenda to add new Items I., Set Public Hearing to Consider Proposed Code Amendment Relative to Enterprise Subzone Planning Fee Exemption; J. Proposed Amendments to Planning Commission By-Laws and Suggested Practices and Procedures; and K. Proposed Code Amendment Relative to Residential Setback Requirements in Ettrick; and reordered the agenda accordingly.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission amended the agenda to add to the 7:00p.m. Evening Session new Items VI. and XIV, Citizens' Input on Unscheduled Matters; and to reorder the agenda accordingly.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

B. **REVIEW UPCOMING AGENDAS.**

Ms. Rogers presented an overview of the Commission's upcoming case schedules, noting there were fifteen (15) cases scheduled on the November 16, 2006 agenda, fifteen (15) cases scheduled on the December 14, 2006 agenda and ten (10) cases scheduled on the January 16, 2007, Planning Commission meeting agenda.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission suspended their By-Laws to increase the caseload for the 7:00 p. m. Session of the December 14, 2006, Planning Commission meeting to accommodate deferrals only.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

C. **REVIEW DAY'S AGENDA.**

Mr. Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

During discussion of Case 06PR0366, Otterdale Partners, LLC, scheduled for discussion at the 3:00 p. m. Afternoon Session, Mr. Wilson declared a conflict of interest pursuant to the Virginia Conflict of Interest Act, noting his firm represented the applicant in matters other than zoning, excused himself from the meeting at 12:34 p. m. and returned at 12:35 p. m.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 7:00p.m. Evening Session.

Mr. Turner addressed the proposed Code Amendments scheduled for public hearing at the 7:00 p. m. Evening Session.

D. PLANS AND INFORMATION SECTION UPDATE.

There were no Plans and Information projects updates.

E. WORK PROGRAM.

There were no additions, deletions or revisions to the Commission's Work Program and it was the consensus of the Commission to adopt their November 2006 Work Program, as presented.

F. DEFERRED ITEM - ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATION.

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
06PD0399* Matoaca	New Cingular Wireless PCS, LLC	Substantial Accord Determination	R1743 Reedy Branch (Welton)

Mr. Turner stated the applicant had submitted written documentation requesting withdrawal of Case 06PD0399.

No one was present to represent the request.

There was no opposition to the request.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission acknowledged withdrawal of Case 06PD0399, New Cingular Wireless PCS, LLC.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

G. DEFERRED ITEM-APPOINTMENT OF MEMBERS TO OUTDOOR ADVERTISING COMMITTEE.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission appointed the following members to the Outdoor Advertising Committee, with the Committee supported by staff consisting of, but not limited to, members of the Planning Department and County Attorney's Office, to research billboard regulations in the County and to propose, if appropriate, possible amendments to the Zoning Ordinance:

- ◆ **Members:** Messrs. Jack Wilson, Sherman Litton, John G. "Chip" Dicks, John Thayer and Richard Collier.
- ◆ **Staff Support:** Messrs. Greg Allen, Ben Humphrey and Rob Robinson and Ms. Tara McGee.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

H. DEFERRED ITEM - CODE AMENDMENT RELATIVE TO SALE OF ALCOHOLIC BEVERAGES WITHIN PROXIMITY OF SCHOOL SITES.

Mr. Schlaudt presented an overview of additional information, requested by the Commission at a previous Work Session, pertaining to existing Zoning Ordinance provisions regulating the sale of alcoholic beverages within 500 feet of certain schools, noting that staff was recommending no proposed amendment at this time.

There was discussion relative to the existing Ordinance having an extremely limited application, which currently applied to only six (6) school properties built after December 15, 1993 (Carver Middle, Cosby High, James River High, Marguerite Christian Elementary, Matoaca High, Spring Run Elementary); sixty-four (64) other school properties exempted by the current ordinance; businesses located near these schools having no additional zoning restrictions for the sale of alcoholic beverages, with the only exception being one (1) business required to comply with the conditional use process to allow alcoholic beverage sales; and that although most school sites were not located near commercially zoned property where alcoholic beverage sales may become an issue, schools located near commercially zoned properties were generally exempted from the ordinance.

Upon conclusion of the discussion, the Commission deferred further consideration of the Code Amendment relative to the sale of alcoholic beverages within proximity of school sites to the December 14, 2006, Planning Commission Work Session to allow staff to further research/ statistical information.

I. SET PUBLIC HEARING TO CONSIDER PROPOSED CODE AMENDMENT RELATIVE TO ENTERPRISE SUBZONE PLANNING FEE EXEMPTION.

Mr. Robinson presented an overview of the proposed Code Amendment relative to the Enterprise Subzone Planning Fee Exemption and requested the Commission schedule the item for public hearing at their November 16, 2006, meeting.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission set the date of, and requested staff advertise, November 16, 2006, at 7:00 p. m., for a public hearing to consider a proposed Code Amendment relative to Enterprise Subzone Planning Fee Exemption.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

J. PROPOSED AMENDMENTS TO PLANNING COMMISSION BY-LAWS AND SUGGESTED PRACTICES AND PROCEDURES.

Ms. Rogers presented an overview of proposed amendments to the Planning Commission By-Laws and Suggested Practices and Procedures.

Upon conclusion of discussion and review of the proposed amendments, the Commission suggested further revisions and indicated they felt the information should be scheduled for public input at the 7:00 p.m. Evening Session of the November 16, 2006, meeting.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission set the date of, and requested staff advertise, November 16, 2006, at 7:00 p. m., for public comment relative to proposed amendments to the Planning Commission By-Laws and Suggested Practices and Procedures.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

K. PROPOSED CODE AMENDMENT RELATIVE TO RESIDENTIAL SETBACK REQUIREMENTS IN ETTRICK.

Mr. Turner referenced a request from Ms. Humphrey, Matoaca District Supervisor, for the Commission's evaluation and recommendation regarding residential setback requirements in Ettrick.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission scheduled discussion of a proposed Code Amendment relative to residential setback requirements in Ettrick at their November 16, 2006, Work Session; and further set the date of, and requested staff advertise, December 14, 2006, at 7:00 p.m., for a public hearing to consider the proposed Code Amendment.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

Mr. Flanigan stated that staff would be providing an updated status report at the November 16, 2006, Planning Commission Work Session regarding the *Swift Creek Reservoir Watershed Master Plan and Maintenance Program*, the focus of which would be centered along the analysis of the watershed model, specifically addressing work completed with respect to the model calibration, validation and the predicted in lake total phosphorus (TP) median annual value.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission changed the time for the November 16, 2006, Development Plan Review Afternoon Session from 3:00 p. m. to 4:00 p. m.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

L. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Bass, seconded by Mr. Gulley, that the Commission adjourned at approximately 2:18 p. m., with the Commission agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

3:00 P. M. AFTERNOON SESSION

Mr. Wilson, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated that the first order of business would be the consideration of the August 15 and September 19, 2006, regularly scheduled Planning Commission meeting minutes and the September 20, 2006, Special Planning Commission meeting minutes.

♦ **DEFERRED-AUGUST 15, 2006 PLANNING COMMISSION MEETING MINUTES.**

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to approve the August 15, 2006, Planning Commission minutes, as written.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

♦ **SEPTEMBER 19, 2006 PLANNING COMMISSION MEETING MINUTES.**

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to approve the September 19, 2006, Planning Commission minutes, as written.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

♦ **SEPTEMBER 20, 2006 SPECIAL PLANNING COMMISSION MEETING MINUTES.**

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to approve the September 20, 2006, Planning Commission minutes, with the following correction:

Page 1, Line 14:

“ALSO PRESENT:

“Mr. Arthur S. Warren, Clover Hill District,
“Board of Supervisors”

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ **WITHDRAWAL REQUEST-DEVELOPMENT STANDARDS WAIVER.**

06PW0202:* In Bermuda Magisterial District, **CHESTER UNITED METHODIST CHURCH** withdrew the request for development standards waivers to paving and curb and gutter for a drive and parking area for approximately thirty (30) cars. This project is commonly known as **CHESTER UNITED METHODIST CHURCH**. This request lies in a Residential (R-7) District on a 0.5 acre parcel fronting approximately 110 feet on the northeast line of Percival Street, also fronting approximately 200 feet on the northwest line of Dodomeade Street and also known as 12131 Percival Street. Tax ID 789-654-7418 (Sheet 26).

No one came forward to represent the request.

Staff indicated the applicant had submitted written documentation requesting withdrawal of Case 06PW0202, Chester United Methodist Church (Chester United Methodist Church).

There was no opposition to the withdrawal.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission acknowledged withdrawal of the request for development standards waivers to paving and curb and gutter for a drive and parking area for approximately thirty (30) cars for Case 06PW0202, Chester United Methodist Church (Chester United Methodist Church).

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **DEFERRAL REQUEST BY APPLICANT-DEVELOPMENT STANDARDS WAIVER.**

07TW0133: In Dale Magisterial District, **HAFIEZ MOHAMED** requested deferral to December 14, 2006, for consideration of a development standards waiver to the Zoning Ordinance provision in Section 19-510(a)(1) to permit a recreational vehicle (RV) to be parked outside of the required rear yard. This development is commonly known as **FALLING CREEK FARMS**. This request lies in a Residential (R-15) District on a .6 acre lot fronting approximately 160 feet on the west line of Sheringham Road. Tax ID 751-686-9922 (Sheet 10).

No one came forward to represent the request.

Staff indicated the applicant had submitted written documentation requesting deferral of Case 07TW0133, Hafiez Mohamed (Falling Creek Farms), to the December 14, 2006, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to defer Case 07TW0133, Hafiez Mohamed (Falling Creek Farms), to the December 14, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **DEFERRAL REQUEST BY INDIVIDUAL PLANNING COMMISSIONER-APPEAL OF ENVIRONMENTAL ENGINEERING DIRECTOR'S DECISION.**

06PR0366:* In Matoaca Magisterial District, **OTTERDALE PARTNERS, LLC** requested an appeal review to the Director of Environmental Engineering's perennial stream determination. This request lies in an Agricultural (A) District on a 74.4 acre parcel fronting approximately 520 feet on the east line of Otterdale Road south of Foxcreek Crossing. Tax ID 712-672-3060 (Sheet 15).

Mr. Wilson declared a conflict of interest pursuant to the Virginia Conflict of Interest Act, noting his firm represented the applicant in matters other than zoning and excused himself from the meeting at 3:08 p. m.

Mr. Bass stated he wished to defer Case 06PR0366, on his own motion, to allow the applicant an opportunity to meet with staff to resolve outstanding issues.

No one came forward to represent the request.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 06PR0366, Otterdale Partners, to the November 16, 2006, Planning Commission meeting.

AYES: Messrs. Gecker, Gulley, Litton and Bass.

ABSENT: Mr. Wilson.

Mr. Wilson returned to the meeting at approximately 3:19 p. m.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

06PR0405:* In Clover Hill Magisterial District, **SANDOR DEVELOPMENT** requested Planning Commission approval of a site plan for an approximately 15,600 square foot retail building, as required by zoning Case 96SN0228. This development is commonly known as **RICHMOND COMMONS**. This request lies in a Community Business (C-3) District on a 1.76 acre parcel fronting approximately 280 feet on the east line of Mt. Gilead Boulevard lying approximately 380 feet north of Hicks Road and better known as 2801 Hicks Road. Tax ID 758-692-7491 (Sheet 11).

Mr. Aaron Breed, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved that site plan approval for Case 06PR0405, Sandor Development (Richmond Commons), shall be and it thereby was granted, subject to the following condition and review comments:

CONDITION

Revised plans and architectural elevations must be submitted to staff for approval which accomplish the following review comments. (P)

REVIEW COMMENTS

1. Label the limits of state maintenance of Mt. Gilead Boulevard. If it is not state maintained up to the first site entrance, then it must be improved to state standards prior to the issuance of a certificate of occupancy. (T)
2. Place a copy of the accepted code modification from the fire department with the request on the plan. (F)
3. Show crossing #8 on the crossings table. (U)
4. Crossings #1 and #2 do not look like they will have enough clearance. For example, at crossing #1, the waterline invert is 249.50. Once the diameter of the waterline is added, there is only 1.27' of clearance. The concern is that once you add the thickness of the 18"

CLIII RCP there will be a conflict, or at best, less than 1' of clearance. Crossing #2 has the same problem. (U)

5. It is the responsibility of the applicant to comply with and/or acquire all applicable federal and/or state permits in relationship to environmental features including but not limited to "wetlands, surface waters (e.g. VSMP permit for construction sites of 1 acre or more, ground water and air quality)" final approval of these plans will not relieve you of your responsibility. (EE)
6. It is the responsibility of the owner to provide one (1) additional set of plans to the Environmental Engineering Department and obtain an "approved for construction" stamp on two (2) additional sets for the owner to keep on site. (EE)
7. All onsite drainage easements including stormwater/B.M.P. drainage easements must be recorded prior to issuance of a building permit for this project. (EE)
8. Prior to issuance of a land disturbance permit, a diskette/CD, the format of which shall be AUTOCAD.DWG or DXF, must be submitted to Virginia Barbour of Environmental Engineering. The diskette/CD must contain the following, each in a separate layer:
 - a. Final grading contour lines (5' intervals);
 - b. Proposed building footprint;
 - c. All impervious area (parking lots, driveways, roads, etc); and
 - d. The storm sewer system.

A layer report printed from Autocad must be submitted with the diskette/CD. Both the diskette/CD and the report must be labeled with the site plan name, site plan number, and the engineering firm. All Autocad files must be referenced directly to the Virginia State Plane Coordinate System, South Zone, in the NAD83 datum. (EE)

9. A land disturbance permit is required for this project and the following are required prior to its issuance:
 - a. Substantial or full site plan approval.
 - b. Copies of the Virginia Stormwater Management Permit (VSMP) registration statement and permit fee form (as developed by the Department of Conservation and Recreation) must be submitted (sites of one acre or more). (EE)
10. Location of street address sign is not shown. (The address can be part of your monument sign. This does not count as part of the square footage of the sign. If you are using the monument sign for the address, a detail of the monument sign needs to be on the site plan. (HN)
11. If the site is on a through or corner lot and the street address sign will be visible from more than one (1) road, the street name should be included in the sign. (HN)

12. Specify the material that the address sign is to be made of. (The material is to be more durable than wood.) (HN)
13. Streets need to be named. Two (2) names are required. (HN)
14. Street names must be approved through Richmond Regional Planning District Commission Street Name Clearinghouse and/or Crater Planning District Commission Street Name Clearing House with verification submitted to David Valleau, Address Technician, Environmental Engineering prior to release of building permit. (HN)
15. A street sign fee of \$150.00 per intersection (4) needs to be paid to Environmental Engineering. (HN)
16. Put a revision date on the resubmitted plans. Resubmit ten (10) full sets and one (1) copy of the site plan sheet to the Planning Department for your next review. Use the spaces below each comment to describe how you have addressed each review comment. Be sure to indicate which sheets show the required changes. Provide a transmittal letter to describe any changes to the plans not caused by the staff review comments. (P)
17. Provide light fixture cutsheets for all building mounted light fixtures. All exterior light fixtures shall be full light cut-off type fixtures. (P)
18. Revise the roof material to be a simulated slate material similar to the roof material on the Kroger building. (P)
19. Revise the primary masonry material to be a clay brick that closely matches the brick on the Kroger building. (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

07TW0130: In Dale Magisterial District, **CHRISTOPHER W. CLARKE** requested a development standards waiver to the Zoning Ordinance provision in Section 19-510(a)(1) to permit a boat to be parked outside of the required rear yard. This development is commonly known as **INDIAN SPRINGS**. This request lies in a Residential (R-7) District on a .3 acre lot fronting approximately ninety (90) feet on the east line of Concho Road. Tax ID 782-674-5936 (Sheet 18).

Mr. Christopher Clarke, the applicant, accepted staff's recommendation and the addition of a second condition by Mr. Litton stipulating the waiver would be granted to and for him exclusively and would not be transferable or run with the land.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Bass, the Commission found Case 07TW0130, Christopher W. Clarke (Indian Springs), substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to approve of a development standards waiver to the Zoning Ordinance provision in Section 19-510(a)(1) to permit a boat to be parked outside of the required rear yard, subject to the following conditions:

CONDITIONS

1. The boat shall be parked in the side yard immediately adjacent to the structure at all times except during loading and unloading activities.
2. This Development Standards Waiver shall be granted to and for Christopher W. Clarke, exclusively, and shall not be transferable or run with the land. (CPC)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

D. FIELD TRIP AND DINNER SELECTIONS.

♦ FIELD TRIP SITE SELECTION.

The Commission agreed to forego their Field Trip to visit requests sites.

♦ DINNER LOCATION SELECTION.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to meet for dinner at Riptides Seafood Restaurant at 5:00 p. m.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

E. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Litton, seconded by Mr. Gulley, that the Commission adjourned the Afternoon Session at approximately 3:12 p. m., agreeing to meet at Riptides Seafood Restaurant at 5:00 p. m.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Wilson, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Gulley presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months, noting there were fifteen (15) cases scheduled on the November 16, 2006, agenda; fifteen (15) cases scheduled on the December 14, 2006, agenda; and ten (10) cases scheduled on the January 16, 2007, Planning Commission meeting agenda. He also noted the Commission, at their Work Session, suspended their By-Laws to increase the caseload for the 7:00 p. m. Session of the December 14, 2006, Planning Commission meeting to accommodate deferrals only.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. CITIZENS' INPUT ON UNSCHEDULED MATTERS.

No one came forward to speak on unscheduled matters at this time.

F. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **REQUEST FOR WITHDRAWAL.**

06SR0258:* In Bermuda Magisterial District, **JOHN F. SQUIRES** withdrew the request for renewal of Conditional Use (Case 03AR0113) and amendment of zoning district map to permit a business (motor vehicle storage and towing lot) incidental to a dwelling unit. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies in an Agricultural (A) District on 3.6 acres and is known as 13125 Old Stage Road. Tax ID 803-651-7892.

No one came forward to represent the request.

Staff indicated the applicant had submitted written documentation requesting withdrawal of Case 06SR0258.

There was no opposition to the withdrawal.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission acknowledged withdrawal of Case 06SR0258.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **REQUESTS FOR DEFERRAL BY APPLICANTS.**

06SN0244: In Bermuda Magisterial District, **H. H. HUNT CORPORATION** requested deferral to November 16, 2006, for consideration of rezoning and amendment of zoning district map of a 1,445.4 acre tract from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements plus Conditional Use to permit recreational facilities on 43.5 acres of the 1,445.4 acre tract and rezoning of a 169.1 acre tract from Agricultural (A) to Regional Business (C-4)

with Conditional Use Planned Development to permit exceptions to Ordinance requirements plus Conditional Use on 3.0 acres of the 169.1 acre tract to permit an above-ground utility structure (water pump station). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and residential use of 1.01-2.5 units per acre. This request lies on 1,614.5 acres fronting approximately 2,890 feet on the south line of Bradley Bridge Road, also fronting in two (2) places for approximately 9,490 feet on the west line of Branders Bridge Road. Tax IDs 780-644-8171; 781-637-Part of 6541; 781-639-3251; 781-641-6250; 783-635-0505; and 784-641-6810.

Ms. Penny Koch, the applicant's representative, requested deferral of Case 06SN0244 to the November 16, 2006, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to defer Case 06SN0244 to the November 16, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0313:* In Midlothian Magisterial District, **LAUCKLAND HOMES LLC** requested deferral to December 14, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 dwelling units per acre. This request lies on 6.2 acres fronting approximately 1,100 feet on both sides of Tacony Drive, also fronting approximately 250 feet on the south line of Elkhardt Road and located at the intersection of these roads. Tax ID 767-700-1223.

Mr. Jim Lauck, the applicant, requested deferral of Case 06SN0313 to the December 14, 2006, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to defer Case 06SN0313 to the December 14, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

07SN0134: In Bermuda Magisterial District, **SECOND FORTUNE, LLC** requested deferral to January 16, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 3.0 acres fronting approximately 440 feet on the southeast line of Meadowville Road approximately 530 feet north of West Hundred Road. Tax IDs 814-653-7317, 7920, and Parts of 4407, 5807 and 6613.

Mr. Dean Hawkins, the applicant's representative, requested deferral of Case 07SN0134 to the January 16, 2007, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to defer Case 07SN0134 to the January 16, 2007, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

07SN0140: In Midlothian Magisterial District, **GRCRE, LLC AND LATC, LLC** requested deferral to November 16, 2006, for consideration of amendment to Conditional Use Planned Development (Case 91SN0172) and amendment of zoning district map relative to setbacks, residential uses and building height requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for village square, village fringe area, planned transition area and passive recreation/conservation area uses. This request lies in Corporate Office (O-2) and Community Business (C-3) Districts on 61.3 acres fronting approximately 5,620 feet on the northwest line of North Woolridge Road east and west of Grove Hill Road; also fronting approximately 480 feet on the east line of Coalfield Road north of North Woolridge Road. Tax IDs 728-704-9939; 730-704-0475 and 6470; and 731-705-0120 and 2856.

Mr. John Easter, the applicant's representative, requested deferral of Case 07SN0140 to the November 16, 2006, Planning Commission meeting.

Mr. Wilson opened the discussion for public comment.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Coalition, supported the deferral.

There being no one else to speak, Mr. Wilson closed the public comment.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0140 to the November 16, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

04SN0224:* In Matoaca Magisterial District, **DOUGLAS R. SOWERS AND SUSAN S. SOWERS** requested deferral to January 16, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 146 acres fronting approximately 750 feet on the east line of Lacy Farm Road, approximately 270 feet north of Ahern Road. Tax IDs 695-695-3122, 695-697-8107 and 696-695-7571.

No one came forward to represent the request.

Mr. Bass stated he had received written documentation from the applicants requesting deferral of Case 04SN0224 to the January 16, 2007, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at the applicants' request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 04SN0224 to the January 16, 2007, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

05SN0185:* (Amended) In Midlothian Magisterial District, **EDITH JOHNSON, TRUSTEE** requested deferral to December 14, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to General Industrial (I-2) with Conditional Use to permit commercial uses and Conditional Use Planned Development to allow exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial/flex uses. This request lies on thirty-two (32) acres fronting approximately 880 feet on the south line of Midlothian Turnpike approximately 200 feet west of Otterdale Woods Road, also fronting approximately 1,140 feet on the north line of Norfolk Southern Railroad approximately 250 feet west of Otterdale Woods Road. Tax ID 720-709-6011.

Mr. Wil Shewmake, the applicant's representative, requested deferral of Case 05SN0185 to the December 14, 2006, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0185 to the December 14, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

05SN0235:* In Midlothian Magisterial District, **DOUGLAS R. SOWERS** requested deferral to the regularly scheduled February 2007 Planning Commission meeting for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.0 units per acre or less. This request lies on 89.2 acres fronting approximately 1,770 feet on the west line of County Line Road approximately 650 feet north of Mt. Hermon Road. Tax ID 702-700-5944.

Ms. Penny Koch, the applicant's representative, requested deferral of Case 05SN0235 to the Planning Commission's regularly scheduled February 2007 meeting.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to defer Case 05SN0235 to the regularly scheduled February 2007 Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **REQUEST FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONER.**

06SN0344: In Midlothian Magisterial District, **JMS INVESTMENTS LLC** requested rezoning and amendment of zoning district map from Agricultural (A) and Corporate Office (O-2) to Neighborhood Business (C-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 1.6 acres fronting approximately 150 feet on the south line of Midlothian Turnpike, also fronting approximately 610 feet on the west line of County Line Road and located in the southwest quadrant of the intersection of these roads. Tax ID 705-708-2447.

Ms. Kristen Keatley, the applicant's representative, accepted deferral of the request by Mr. Gecker to the December 14, 2006, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission, on their own motion, resolved to defer Case 06SN0344 to the December 14, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

07SN0111: In Matoaca Magisterial District, **RESERVOIR LAND ASSOC.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 2.5 acres fronting approximately 300 feet on the north line of Genito Road, also fronting approximately 130 feet on the east line of North Woolridge Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 719-685-2188 and 3788 and 719-686-2706.

Mr. Mickey Blalock, the applicant's representative, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

In response to an inquiry from Mr. Litton, staff clarified the revisions outlined in the Addendum.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 07SN0111 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The density shall not exceed five (5) units. (P)
2. Prior to any site plan approval, the Applicant shall dedicate forty-five (45) feet of right-of-way on the north side of Genito Road and forty-five (45) feet of right-of-way on the east side of North Woolridge Road, measured from the centerlines of those roads immediately adjacent to the property, free and unrestricted to and for the benefit of Chesterfield County. (T)
3. There shall be no direct vehicular access from the property to Genito Road or North Woolridge Road. (T)
4. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there is to be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
5. No run-off from any impervious surfaces shall be discharged to the east. (EE)
6. Appropriate facilities shall be constructed on-site to achieve the 0.22 phosphorus standard. (EE)
7. Public water and wastewater systems shall be used. (U)
8. Impact on Capital Facilities. The applicant, subdivider, or assignee (s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for the infrastructure improvements within the service district for the Property:
 - a) \$15,600 per dwelling unit, if paid prior to July 1, 2007.
 - b) The amount approved by the Board of Supervisors, but not to exceed \$15,600 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007. At the time of payment, the \$15,600 will be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations. Payments in excess of \$15,600 shall be prorated as set forth above.
 - c) Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)
9. All dwelling units shall have a minimum gross floor area of 1,500 square feet. (P)
10. The following architectural standards will be followed:

- a. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer.
- b. The architectural appearance shall employ the following materials: brick or stone veneer, composition siding, hardiplank or vinyl siding and 20 year asphalt shingles (P&BI)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

07SN0124: In Bermuda Magisterial District, **JAMES E. HIGGINS, SR.** requested rezoning and amendment of zoning district map from Residential (R-7) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use uses. This request lies on 0.4 acre fronting approximately 200 feet on the south line of West Hundred Road approximately 170 feet west of Gill Street. Tax IDs 792-656-2927 and 3825.

Mr. James Higgins, Sr., the applicant, accepted staff's recommendation.

In response to Mr. Wilson's inquiry, there was opposition present and it was, therefore, the consensus of the Commission to place Case 07SN0124 with those cases requiring discussion.

06SN0322:* (Amended) In Matoaca Magisterial District, **NEW CINGULAR WIRELESS PCS, LLC** requested Conditional Use and amendment of zoning district map to permit a communications tower in a Residential (R-88) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 5.0 acres of a 109 acre parcel fronting approximately 1,800 feet on the west line of Ivey Mill Road approximately 2,200 feet on the north line of Lake Chesdin Parkway and located in the northwest quadrant of the intersection of these roads. Tax ID 734-630-1881.

Mr. Burke Lewis, the applicant's representative, accepted staff's recommendation.

In response to Mr. Wilson's inquiry, there was opposition present and it was, therefore, the consensus of the Commission to place Case 06SN0322 with those cases requiring discussion.

06SN0325:* In Matoaca Magisterial District, **VERNON MCCLURE** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.0 units per acre or less. This request lies on 18.1 acres fronting approximately 580 feet on the west line of Otterdale Road, approximately 1,330 feet south of Broadmoor Road. Tax ID 708-680-1184.

Mr. Harley Joseph, the applicant's representative, accepted staff's recommendation and the proffered conditions; however, did not accept staff's recommended condition in the "Request Analysis" that would require any residential lots having sole access through Westerleigh Subdivision be an average lot size of 16,000 square feet.

Mr. Wilson indicated since the applicant objected to the recommended condition which would require average overall lot sizes for any lots having sole access through the adjacent R-12 development to the north and there was also citizen opposition, Case 06SN0325 would be placed with those cases requiring discussion.

◆ **CODE AMENDMENTS.**

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An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-505, 19-580, 19-587, 19-587.1, 19-587.2, 19-587.3, 19-588, 19-588.1, 19-588.2, 19-589.1 and 19-589.2; repealing Sections 19-587.4, 19-588.3, 19-588.4 and 19-588.5; and adding Section 19-589.5 related to setbacks and development standards in the Route 10 Corridor East, Enon Core District and Old Stage and Coxendale Roads Corridor.

The proposed amendment would modify County-wide development standards to require front yard setbacks to be measured from a 200 foot ultimate right of way line instead of a 160 foot right of way line on Route 10 from I-95 to Hopewell corporate limits.

In addition, the proposed amendment would modify Route 10 Corridor East Development Standards as follows: 1) modify the purpose and intent statement for the Corridor to remove language related to tree preservation and architectural standards based on residential development; 2) modify variable front setback standards to require a minimum front setback of thirty (30) feet for buildings and forty (40) feet for parking and drives (thirty (30) feet for driveways associated with drive-through facilities), and require perimeter landscape "J;" 3) delete plant material specifications; 4) remove the requirement that architecture be compatible with residential architecture, add a requirement for architectural treatment to be compatible with nearby development and provide standards for use of concrete block and finished corrugated metal as architectural materials; 5) consolidate architectural standards into a single section; and 6) require reciprocal access to promote interconnectivity of nonresidential development along this corridor.

In addition, the proposed amendment would modify Enon Core District Development Standards as follows: 1) change required landscaping treatment from perimeter landscape "G" to perimeter landscape "J;" 2) modify front setback standards to require a minimum front setback of fifteen (15) feet for buildings and twenty-five (25) feet for parking and drives (fifteen (15) feet for driveways associated with drive-through facilities) and remove the requirement for buildings to be clustered around an area devoted to public and semi-public use; and 3) require reciprocal access to promote interconnectivity of nonresidential development along this corridor.

In addition, the proposed amendment would delete Old Stage and Coxendale Roads Corridor development standards pertaining to: 1) yard requirements for office, business and industrial districts; and 2) plant material specifications.

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Mr. Schlaudt presented an overview, and staff's recommendation for approval, of the proposed Code Amendment relative to setbacks and development standards in the Route 10 Corridor East, Old Stage and Coxendale Roads Corridor and the Enon Core District.

No one came forward to speak in favor of, or in opposition to, the proposed Amendment.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of the following Code Amendment:

- (1) *That Sections 19-505, 19-580, 19-587, 19-587.1, 19-587.2, 19-587.3, 19-588, 19-588.1, 19-588.2, 19-589.1 and 19-589.2 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted, Sections 19-587.4, 19-588.3, 19-588.4, and 19-588.5 are repealed, and Section 19-589.5 is added all to read as follows:*

Sec. 19-505. Measurement of yards.

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(e) For purposes of determining yard setbacks, the setback shall be measured from a 160-foot right-of-way in those instances where 200-foot right-of-way has been dedicated to the county in the following locations:

- (1) Route 360, from Route 288 to the Amelia County Line;
- (2) Route 10:
 - a. From Irongate Drive to Courthouse Road;
 - b. From Krause Road to Buckingham Street;
 - c. ~~From I-95 to Hopewell corporate limits.~~

Buildings, drives and parking within office, commercial and industrial districts:

The minimum setback area for buildings, drives and parking areas along Route 360 and Route 10 as listed in this Section, located outside of buffers, floodplains, wetlands and RPAs shall be increased 1 square foot for each 1.1 square feet of minimum required side and rear yard area located outside of buffers, floodplains, wetlands and RPAs, so as to increase the minimum setback along these roads an additional 20 feet. Provided, however, the setback along these roads need not be increased by more than 90 percent of the amount of reducible side and rear yard area outside of buffers, floodplains, wetlands and RPAs. Side and rear yard setback area outside of buffers, floodplains, wetlands and RPAs may be reduced at a ratio of 1.1 square feet for each.

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Sec. 19-580. Specified areas.

(a) The Highway Corridor District shall include those lands identified on the zoning district map or otherwise described below that include:

- (1) The Jefferson Davis Highway corridor;
- (2) The Route 360 corridor east;

- (3) The Route 360 corridor west, which shall consist of Hull Street Road, extending from Courthouse Road to the Amelia County line, including all land to a depth of 1500 feet from the centerline of Hull Street Road, unless the parcel or project extends further than 1500 feet, in which case these requirements shall apply to the entire parcel or project;
- (4) The Route 10 corridor east;
- ~~(5) The Old Stage and Coxendale Roads corridor; and~~
- ~~(6)~~ (5) The Courthouse Area Design District.

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Sec. 19-587. Route 10 Corridor East - purpose and intent.

The purpose of sections 19-587 through 19-587.42 is to provide standards that will encourage and enhance the preservation of tree canopy along Route 10, between I-95 and Hopewell, and to further encourage architectural standards that reinforce and compliment area residential development, within those areas along the Route 10 eCorridor East, located along Route 10, between I-95 and Hopewell suggested for Neighborhood Mixed Use on the Consolidated Eastern Area Plan.

Sec. 19-587.1. Route 10 Corridor East: Yard requirements for office, business and industrial districts.

~~Setbacks along Route 10: The minimum setback area for buildings, drives and parking areas along Route 10 located outside of buffers, floodplains, wetlands and RPAs shall be increased 1 square foot for each 1.1 square feet of minimum required side and rear yard area located outside of buffers, floodplains, wetlands and RPAs, so as to increase the minimum setback along Route 10 an additional 20 feet. Provided, however, the setback along Route 10 need not be increased by more than 90 percent of the amount of reducible side and rear yard area outside of buffers, floodplains, wetlands and RPAs. Side and rear yard setback area outside of buffers, floodplains, wetlands and RPAs may be reduced at a ratio of 1.1 square feet for each square foot of increased setback along Route 10, provided that the remaining side and rear yard setbacks shall be configured so that landscaping areas have a minimum dimension of 10 feet. Further, these remaining setback areas may be incorporated into other landscaped areas with the approval of the director of planning.~~

Setbacks along Route 10: The minimum setback area for buildings shall be 30 feet from the ultimate right-of-way with the installation of perimeter landscaping J. The minimum setback along Route 10 for drives and parking shall be 40 feet, provided, however, that parking or associated driveways (not including driveways necessary for drive-through facilities) shall not be located any closer to Route 10 than the face of any building along the road. The minimum setback along Route 10 for driveways necessary for drive-through facilities shall be 30 feet from the ultimate right-of-way.

~~Sec. 19-587.2. Route 10 Corridor East: Plant material specifications.~~

~~Tree preservation: Within setbacks along Route 10, preservation of existing trees and shrubs shall be maximized to provide continuity and improved buffering. Except when necessary to provide access, any trees of high-canopy species that are four inches or greater in caliper, as well as any trees of under-story species that are one inch or greater in caliper, located within the setback, shall be retained unless removal~~

~~is approved through site, subdivision or schematic plan review. Removal of vegetation, to accommodate vehicular access and utilities which run generally perpendicular through the setback, shall be permitted through subdivision, site or schematic plan review, the exact locations to be determined by the Director of Planning. Any healthy existing tree or shrub may be included for credit towards this subdivision's requirements. If any preserved tree or shrub that has been credited dies within three years of construction, one tree or shrub shall be planted for each tree or shrub lost. All existing vegetation, which is to be preserved on the site, shall be shown on the required landscaping plan, or when there are groups of trees or shrubs, such groups may be outlined. Any existing trees to be removed shall be clearly delineated on the landscaping plan~~

Sec. 19-587.32. Route 10 Corridor East: Neighborhood Mixed Use areas – architecture.

~~Within those areas along the Route 10 eCorridor East suggested for Neighborhood Mixed Use on the Consolidated Eastern Area Plan, all buildings shall be compatible with residential architecture. Residential design features shall include, but not be limited to, articulation of doors and windows, architectural ornamentation, and use of residential materials such as brick and/or siding for walls and asphalt shingle or simulated slate for roofs. There shall be no visible flat or shed roofs permitted. Wall offsets and varied rooflines shall be used on larger buildings to create the appearance of several small buildings clustered together. Within a project, compatibility shall be achieved through the consistent use of a residential architectural style, and using materials, fenestration, scale and other architectural features appropriate to that style.~~

all building exteriors visible to the public or adjacent properties shall be constructed of architectural materials consistent in quality, appearance and detail. When representative of good architectural design, different exterior materials may be used that vary in the amounts used on different exteriors. If concrete block is used, it shall have an adorned face except for smooth-faced block accents, all of which shall be integrally colored, painted or stained. If corrugated metal is used, it shall be pre-finished and used in context with a masonry wall extending a minimum height of four feet above the first floor elevation excluding windows. Buildings shall be designed to impart harmonious proportions and avoid monotonous facades or large bulky masses.

Architectural treatment of all buildings shall be compatible with best architectural examples of buildings located within the same project or within the same block or directly across any road, as determined by the Director of Planning. At locations where the existing buildings do not meet current Zoning Ordinance requirements for architectural treatment, the Director of Planning may approve a new architectural treatment or theme. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features.

~~Sec.19-587.4 Route 10 Corridor East: Neighborhood Mixed Use areas — architectural compatibility.~~

Within those areas along the Route 10 corridor suggested for Neighborhood Mixed Use on the Consolidated Eastern Area Plan, architectural treatment of all buildings shall be compatible with buildings located within the same project or within the same block or directly across any road, as determined by the Director of Planning. At locations where the existing buildings do not meet current Zoning Ordinance requirements for architectural treatment, the Director of Planning may approve a new architectural treatment or theme. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features.

Sec. 19-587.3. Route 10 Corridor East: internal circulation.

Within the Route 10 Corridor East, all development shall provide direct and convenient vehicular circulation onsite, and reciprocal access between properties. The intent of this subsection is to require shared access drives located to the rear of buildings that front Route 10, promoting interconnectivity of nonresidential development.

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~~Sec. 19-588. Old Stage and Coxendale Roads Corridor -- purpose and intent.~~

~~———— The purpose of sections 19-588 through 19-588.2 is to provide standards that will encourage and enhance views along Old Stage Road, north of Rt. 10, and along Coxendale Road, east of I-95.~~

~~Sec. 19-588.1. Old Stage and Coxendale Roads Corridor: Yard requirements for office, business and industrial districts.~~

~~(a) ——— *Front and corner side yards:* The minimum setback area for buildings, drives and parking areas along Old Stage and Coxendale Roads outside of buffers, floodplains, RPAs and wetlands shall be increased 1 square foot for each 1.1 square feet of minimum required side and rear yard area located outside of buffers, floodplains, wetlands and RPAs, so as to increase the front yard setback an additional 20 feet. Provided, however, the setback along Old Stage and Coxendale Roads need not be increased by more than 90 percent of the amount of reducible side and rear yard areas outside of buffers, floodplains, wetlands and RPAs.~~

~~(b) ——— *Side and rear yards:* The side and rear yard setbacks for buildings, drives and parking areas, for properties within I-1, I-2 and I-3 districts that front Old Stage and Coxendale Roads and when adjacent to I-2 and I-3 districts, shall be 0 feet when front yard setbacks are increased in accordance with Sec. 19-588.1(a).~~

~~Sec. 19-588.2. Old Stage and Coxendale Roads Corridor: Plant material specifications.~~

~~(a) ——— *Tree preservation:* Within setbacks along Old Stage and Coxendale Roads, preservation of existing trees and shrubs shall be maximized to provide continuity and improved buffering. Except when necessary to provide access, any trees any trees of high canopy species that are four inches or greater in caliper, as well as any trees of under-story species that are one inch or greater in caliper, located within the setbacks along Old Stage and Coxendale Roads, shall be retained unless removal is approved through site, subdivision or schematic plan review. Removal of vegetation, to accommodate vehicular access and utilities which run generally perpendicular through the setback, shall be permitted through subdivision, site or schematic plan review, the exact locations to be determined by the Director of Planning.~~

~~(b) ——— Any healthy existing tree or shrub may be included for credit towards this subdivision's requirements. If any preserved tree or shrub that has been credited dies within three years of construction, one tree or shrub shall be planted for each tree or shrub lost. All existing vegetation which is to be preserved on the site shall be shown on the required landscaping plan, or when there are groups of trees or shrubs, such groups may be outlined. Any existing trees to be removed shall be clearly delineated on the landscaping plan.~~

Sec. 19-588.3 Courthouse Area Design District: purpose and intent.

The purpose of sections 19-588.41 and 19-588.52 is to provide standards that will encourage and enhance Colonial and Federalist architectural features that are compatible with the historic structures within, and in proximity to, the Chesterfield County Courthouse Complex.

Sec. 19-588.41 Courthouse Area Design District -- Architecture.

Within the Courthouse Area Design District, all buildings shall be compatible with Federalist and Colonial architecture as exemplified by the historic Chesterfield Courthouse, by Castlewood, and by Magnolia Grange. Architectural features shall include, but not be limited to, articulation of doors and windows, architectural ornamentation, and use of materials such as brick and/or siding for walls and standing seam metal or simulated slate for roofs. There shall be no visible flat or shed roofs permitted. Wall offsets and varied rooflines shall be used on larger buildings to create the appearance of several small buildings clustered together. Within a project, compatibility shall be achieved through the consistent use of a Federalist or Colonial architectural styles, and using materials, fenestration, scale and other architectural features appropriate to those styles.

Sec. 19-588.52 Courthouse Area Design District -- Architectural compatibility.

Within the Courthouse Area Design District, architectural treatment of all buildings shall be compatible with buildings located within the same project or within the same block or directly across any road, as determined by the director of planning. At locations where the existing buildings do not meet current zoning ordinance requirements for architectural treatment, the director of planning may approve a new architectural treatment or theme. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features.

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Sec. 19-589.1. Enon Core District: Exceptional development standards.

(a) *Street tree planting.* Within the Enon Core District, it is the intent of perimeter landscaping ~~G J~~, as detailed in section 19-518(g)(~~9~~12), to require the installation of street trees to increase the aesthetic appeal of Enon Core District, encourage high-quality development, provide shade for pedestrians and improve the quality of the environment. To this end, the following standards shall be met when utilizing perimeter landscaping ~~G J~~:

~~(1) The requirements of section 19-518(g)(9)(a) and (c) shall be met. The requirements of section 19-518(g)(9)(b) shall be modified to require continuous three foot high hedge forms or a decorative wall for the entire width of a parking lot only if the parking lot is located in front of a building.~~

~~(2)~~ (1) Trees shall be installed behind any sidewalk installed along a street. If it is determined during the site plan process to be impractical to install trees behind the sidewalk, they may be installed between the street and the sidewalk. If it is determined during the site plan process to be impractical to locate large deciduous trees due to conflicts with utility lines the trees may be relocated or if that is impractical, small deciduous trees may be substituted.

- (3) (2) Trees installed shall be suitable for use as street trees and shall be selected for their ability to survive under adverse growing conditions as well as their aesthetic value.
- (4) (3) While the intent of this section is not to require a single species to be planted throughout the entire Enon Core District, the director of planning may require a particular species in a particular location based on existing area landscaping.

Sec. 19-589.2. Enon Core District: Setback requirements for O and C Districts.

The minimum setbacks for all buildings, drives, and ~~surface and deck~~ parking areas shall be as follows:

(a) *Setbacks along Route 10.*

1. The minimum setback ~~along Route 10~~ for buildings shall be ~~50~~ 15 feet from the ultimate right of way with the installation of perimeter landscaping ~~J G~~ provided, however, buildings that are clustered around an area devoted to public and semi-public use and positioned so as to define the public and semi-public space shall be permitted to reduce the setback from Route 10 to 15 feet. ~~Any such area devoted to public and semi-public use shall be separated from Route 10 by a building or buildings, have a minimum of ½ acre with no dimension less than 100 feet, and shall be designated for such use by recordation of an open space easement for public and semi-public use, such as area civic association events, special commercial events or cultural activities. Buildings shall not be separated from the public and semi-public space by more than 2 rows of parking accessed by a driveway and a sidewalk. The area shall be designed to be used primarily for such activities and shall not be designed to be used primarily for stormwater management facilities. The area shall incorporate benches for public seating and at least one of the following: gazebo/bandstand; fountain; sculpture; statuary; or other similar feature.~~
2. The minimum setback ~~along Route 10~~ for drives and parking shall be ~~50~~ 25 feet with the installation of perimeter landscaping ~~G J~~ provided, however, that ~~no more than 1 row of parking with associated driveway shall be permitted between any building and the Route 10 right-of-way parking or associated driveways (not including driveways necessary for drive-through facilities) shall not be located any closer to Route 10 than the face of any building along the road. The minimum setback along Route 10 for driveways necessary for drive-through facilities shall be 15 feet from the ultimate right-of-way.~~

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Sec. 19-589.5. Enon Core District: internal circulation.

Within the Enon Core District, all development shall provide direct and convenient vehicular circulation onsite, and reciprocal access between properties. The intent of this subsection is to require shared access drives located to the rear of buildings that front Route 10, promoting interconnectivity of nonresidential development.

(2) *That these ordinances shall become effective immediately upon adoption. (2723:72686.2)*

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

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An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-637 of the Zoning Ordinance. The proposed amendment will limit non-commercial signs in Agricultural and Residential Districts to five (5) feet in height and a total area not greater than eight (8) square feet.

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Ms. McGee presented an overview, and staff's recommendation for approval, of the proposed Code Amendment relative to the regulation of the size of certain non-commercial signs in Agricultural and Residential Districts.

Mr. Wilson opened the discussion for public comment.

Mr. C. L. Morrisette, a County resident, expressed concerns relative to "content-based signs" and the legality of the proposed amendment.

There being no one else to speak, Mr. Wilson closed the public comment.

In response to questions from the Commission, Ms. McGee explained the intent of the proposal, noting the proposed amendment clarified the language of Section 19-637 to carry out the original intent of the Sign Ordinance to place size and height limitations (pre-existing five (5) foot maximum height and eight (8) square foot total area limitations) on all categories of signs placed on lots in Agricultural or Residential Districts.

Upon conclusion of the discussion, it was the consensus of the Commission that additional information was necessary prior to action being taken on the proposed Amendment.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission closed the public hearing and deferred action on the proposed Code Amendment relative to the regulation of the size of certain non-commercial signs in Agricultural and Residential Districts to the 7:00 p. m. Session of the November 16, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

Mr. Turner recalled Case 07SN0124, James E. Higgins, Sr.

07SN0124: In Bermuda Magisterial District, **JAMES E. HIGGINS, SR.** requested rezoning and amendment of zoning district map from Residential (R-7) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use uses. This request lies on 0.4 acre

fronting approximately 200 feet on the south line of West Hundred Road approximately 170 feet west of Gill Street. Tax IDs 792-656-2927 and 3825.

Mr. James Higgins, Sr., the applicant's representative, accepted staff's recommendation

Mr. Wilson opened the discussion for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. C. L. Morrisette, a County resident, did express concerns regarding the Commission's "Suggested Practices and Procedures;" however, the concern was not regarding this specific rezoning.

There being no one else to speak, Mr. Wilson closed the public comment.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 07SN0124 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Uses permitted shall be limited to the following and shall meet Corporate Office (O-2) District standards:
 - a. Contractors' Offices and Display Rooms
 - b. Uses permitted by right or with restrictions in the Neighborhood Office (O-1) District. (P)
2. Prior to any site plan approval, forty –five (45) feet of right-of-way on the south side of West Hundred Road (Route 10), measured from the centerline of that part of Route 10 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. Direct access from the property to Route 10 shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ CODE AMENDMENTS (continued).



An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by repealing Sections 12-71, 12-72, 12-73, 12-74, 12-75, and 19-240 and amending and re-enacting Sections 8-8, 19-58, 19-232, 19-233, 19-237, 19-238 and 19-238.5 relating to water quality in the Upper Swift Creek Watershed ("Watershed"). The Watershed consists of all land in the County located upstream of the Swift Creek Reservoir Dam. For land that is included in the Watershed, the proposed amendments would, among other things,: (i) repeal the requirement to use Regional Ponds and related measures ("Regional BMP Program") to control the volume and quality of storm water runoff and pollutants ("Pollutants") generated by new development in the Watershed, including requirements for landowners to pay the pro-rata share of the cost to construct the Regional Ponds and related measures; (ii) require on-site Best Management Practices

("BMPs"), including on-site ponds and/or other measures, to control Pollutants; (iii) allow mitigation measures such as retrofitting BMPs, stream or buffer enhancements, conservation easements, credits, etc., to address Pollutants if on-site BMPs are not sufficient to achieve the required Pollutant control, provided that such measures are approved by the County; (iv) allow vested property owners to pay a pro-rata share equal to what would have been paid under the Regional BMP Program if the owner declines to achieve Pollutant control on-site, which pro-rata share funds would be used by the County to achieve Pollutant mitigation measures; (v) require surety, letter of credit or cash escrow in the amount of \$1,500 per impervious acre for maintenance of BMPs in commercial development; (vi) require sediment basins for single family subdivisions to remain in place and fully stabilized until such time as Pollutant removal requirements have been satisfied; (vii) prohibit certain clearing and development activity within 100-year flood plains when the contributing drainage area exceeds 100 acres in size, but allow approved proper woodlot management practices as an exception to that prohibition; (viii) remove various references from the Zoning Ordinance that require consistency with the "Watershed Management Plan for the Swift Creek Reservoir;" (ix) allow boundary adjustments to Resource Protection Areas in the Watershed; and (x) eliminate the process for granting exceptions to the requirements of the Zoning Ordinance relating to the Watershed.



Mr. Flanigan presented an overview, and staff's recommendation for approval, of the proposed Code Amendment relative to water quality in the Upper Swift Creek Watershed.

Mr. Wilson opened the discussion for public comment.

Mr. Tyler Craddock, representing the Homebuilders Association of Richmond, voiced support for the proposal, noting he felt the "regional system" was the best mechanism for the County long-term and hoped future plans continued to include them.

Ms. Betty Hunter-Clapp, a Clover Hill District resident, stated she understood the need for repealing the previous process; expressed concerns relative to the impact of the proposal on boundary adjustments of Resource Protection Areas (RPAs) and other exceptions that may be considered; and indicated the proposed Amendments raised more questions/concerns than they resolved.

Mr. C. L. Morrisette, a County resident, expressed concerns relative to the potential cutting of trees located in floodplains and questioned if the proposed Code Amendment included compensation to citizens for the "taking" of their property in floodplains.

Ms. Andrea Epps, a County resident, questioned the impact of the proposal in the event the land use and/or the phosphorus removal rate were to be revised.

Ms. Marleen Durfee, Executive Director of the Responsible Growth Alliance for Chesterfield, stated there appeared to be several issues relative to the proposal that were unclear and suggested the Commission consider a deferral to allow citizens an opportunity to further review the document.

There being no one else to speak, Mr. Wilson closed the public comment.

In response to the concerns raised, the Commission requested that Mr. Flanigan meet with the citizens to explain the proposal and discuss their concerns.

Upon conclusion of the discussion, it was on motion of Mr. Gulley, seconded by Mr. Gecker, that the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Sections 12-71, 12-72, 12-73, 12-74, 12-75, and 19-240 of the Code of the County of Chesterfield, 1997, as amended, are repealed and Sections 8-8, 19-58, 19-232, 19-233, 19-237, 19-238 and 19-238.5 are amended and re-enacted to read as follows:*

Sec. 8-8. Responsibility for the erosion and sediment control plan.

The owner shall be responsible for preparing, submitting and implementing the erosion and sediment control plan. The owner shall also be responsible for the following:

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- (e) All sediment basins constructed in conjunction with single family subdivisions that drain to the Swift Creek Reservoir must remain in place and fully stabilized until such time as compliance with 19-238(d)(1) has been achieved. ~~a joint permit from the US Army Corps of Engineers and the Virginia Department of Environmental Quality has been received which allow construction of the regional BMPs required by article VI of chapter 12 of this Code.~~

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Sec. 12-71. Purpose and intent of article.

~~The purpose and intent of this article is to require all developers of land to pay their pro-rata share of the cost of providing necessary facilities to control the volume and quality of runoff generated by new development in the Swift Creek Reservoir Watershed. The locations, type and size of such facilities has been established in the Management Master Plan and Maintenance Program for the Swift Creek Reservoir Watershed, adopted by the board of supervisors in October of 2000 (the "plan"). The plan shall constitute the general improvement program required by Code of Virginia, § 15.2-2243. The plan covers a 61 square mile area encompassed by the Swift Creek Reservoir Watershed. This designated area has common stormwater runoff and drainage conditions in that all runoff generated by new development drains to the Swift Creek Reservoir. The plan establishes a program for the strategic location of six types of structural and nonstructural regional best management practice facilities (BMPs) throughout the Swift Creek Reservoir Watershed. The designated BMPs are denoted on a map entitled "Swift Creek Watershed Siting Scenario 5" which is on file in the office of the director of the department of environmental engineering. The purpose of the system of regional BMPs is to control the increased volume, velocity and quality of stormwater runoff that will be caused by anticipated development in the Swift Creek Reservoir Watershed.~~

Sec. 12-72. Basis for the pro-rata share fee.

~~The pro-rata fee has been calculated based on the increased volume of stormwater runoff, expressed as an increase in impervious area, resulting from projected development in the watershed. The projected costs on which the fee is based include design, land acquisition, construction, wetland mitigation and other factors related to the implementation of the regional BMPs enumerated above and are enumerated in the Watershed Management Plan and Maintenance Program for the Swift Creek Reservoir Watershed which is on file in the office of the director of environmental engineering. The formula developed for calculating the fee by the department of environmental engineering, which is hereby adopted as the formula for determining pro-rata shares, reflects the product of the amount of impervious area and the established fee per impervious acre. The formula shall be updated weekly to reflect changes in construction costs by applying the engineering new record construction cost index value.~~

Sec. 12-73. Pro-rata share contributions.

Anyone proposing to develop land within the Swift Creek Reservoir Watershed shall be required to pay the pro-rata share of the cost of providing the regional BMPs enumerated above, as provided for in the Watershed Management Plan and Maintenance Program for the Swift Creek Reservoir Watershed. Payment of the pro-rata share fee shall be due prior to the signature of the department of environmental engineering on the record plat for residential development, and prior to the environmental engineering department's approval of the site plan for non-residential development.

Sec. 12-74. Pro-rata share accounts.

The pro-rata payments received shall be kept in a separate account for the implementation of the Watershed Management Plan and Maintenance Program for the Swift Creek Reservoir and expended only for improvements and associated costs made in accordance with the approved plan. Any interest that accrues on such payments shall accrue to the benefit of the county.

Sec. 12-75. Pro-rata fee payments.

Pro-rata fee payments received shall be expended only for necessary engineering, related studies, land acquisition and the construction of those facilities identified in the Watershed Management Plan and Maintenance Program for the Swift Creek Reservoir.

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Sec. 19-58. Floodplain regulations.

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(e) 100-year flood plains designated as riparian corridor management areas the in the Upper Swift Creek Watershed.

- (1) The following shall be prohibited within the Upper Swift Creek Watershed 100-year flood plains adjacent to those intermittent streams designated in the Swift Creek Reservoir Watershed Master Plan as riparian corridor management areas, (non-RPA) when the contributing drainage area exceeds 100 acres in size:

- a. Clear cutting or thinning of trees;
- b. Removal of tree stumps;
- c. Clearing of vegetation;
- d. Filling;
- e. Grading;
- f. Placement of fences or other appurtenant structures.

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- (2) The following actions are exempt from the prohibitions outlined above:

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- e. Approved proper woodlot management practices.

Sec. 19-232. Resource protection area regulations.

In addition to the general performance criteria set forth in section 19-233, the criteria in this section are applicable in resource protection areas.

- (a) Land development may be allowed in a resource protection area, subject to the approval of the department of environmental engineering, only if it (i) is water dependent; (ii) constitutes redevelopment; (iii) is a permitted encroachment established pursuant to subdivision (d) of this section; (iv) is a road or driveway crossing satisfying the conditions set forth in subdivision (a)(4) of this section; or (v) is a flood control or stormwater management facility satisfying the conditions set forth in subdivision (a)(5) of this section.

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- (5) Flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in resource protection areas, provided that (i) the department of environmental engineering has conclusively established that the location of the facility within the resource protection area is the optimum location; (ii) the size of the facility is the minimum necessary to provide necessary flood control, stormwater treatment, or both; (iii) the facility must be consistent with ~~the Watershed Management Plan for the Swift Creek Reservoir or any other a~~ stormwater management program that has been approved by the Chesapeake Bay Local Assistance Board as a Phase I modification to the county's Chesapeake Bay Preservation Act program; (iv) all applicable permits for construction in state or federal waters must be obtained from the appropriate state and federal agencies, such as the U. S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission; (v) approval must be received from the department of environmental engineering prior to construction; and (vi) routine maintenance is allowed to be performed on such facilities to assure that they continue to function as designed. It is not the intent to allow a best management practice that collects and treats runoff from only an individual lot or some portion of the lot to be located within a resource protection area.

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Sec. 19-233. General performance criteria.

Any use, development or redevelopment of land within a Chesapeake Bay Preservation area shall meet the following performance criteria:

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- (f) Stormwater management criteria consistent with the water quality protection provisions (4 VAC 3-20-71 et. seq.) of the Virginia Stormwater Management Regulations (4 VAC 3-20) shall be satisfied.

- (1) The following stormwater management options shall be considered to comply with the requirements of this subsection:

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- b. ~~Compliance with the Watershed Management Plan for the Swift Creek Reservoir which has been found by the Chesapeake Bay Local Assistance Board to achieve water quality protection equivalent to that required by this subsection;~~
- eb. Compliance with a site-specific VPDES permit issued by the Department of Environmental Quality, provided the department of environmental engineering specifically determines that the permit requires measures that collectively achieve water quality protection equivalent to that required by this subsection.
- (h) Within the Upper Swift Creek Watershed, where the best management practices utilized in a commercial development require regular or periodic maintenance in order to continue their functions, such maintenance shall be ensured by a commercial surety bond, bank letter of credit or cash escrow in an amount equal to \$1,500.00 for each impervious acre or fraction thereof. The form of any bond or letter of credit provided pursuant to this section shall be subject to approval by the county attorney.
- (hi) (1) Land on which agricultural activities are being conducted, including but not limited to crop production, pasture, and dairy and feedlot operations, shall have a soil and water quality conservation assessment conducted that evaluates the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides and, where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is being accomplished consistent with the Chesapeake Bay Preservation Act and this division.

(2) RMA performance criteria shall not apply to land used for agricultural purposes, except for the requirements in subsection (h)(1) above.
- (ij) The director of environmental engineering may authorize the developer to use a retention or detention basin or alternative best management practice facility to achieve the performance criteria set forth in this chapter.
- (jk) The department of environmental engineering shall require evidence of all wetlands permits required by law prior to authorizing grading or other on-site activities.

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Sec. 19-237. Upper Swift Creek Watershed.

The Upper Swift Creek Watershed consists of all land in the county located upstream of the Swift Creek Reservoir Dam.

Sec. 19-238. Development regulations.

Any use, development or redevelopment of land in the Upper Swift Creek Watershed shall meet the following performance criteria:

- (a) No more land shall be disturbed than is necessary to provide for the desired use or development;
- (b) Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use or development allowed;
- (c) Land development shall minimize impervious cover consistent with the use or development allowed;
- (d) (1) Stormwater runoff shall be controlled to achieve the following:
 - a. For any new use or development, the post-development, nonpoint-source pollution runoff loads of phosphorous and lead shall not exceed the following:
 - (i) Phosphorus:
 - 1. The post-development total phosphorus load for residential uses located in areas identified in the Midlothian Area Community Plan for low density residential (1.01 to 2.0 units per acre), in the Route 288 Corridor Plan for Residential (1 to 2.0 dwellings per acre), and in the Upper Swift Creek Plan for single family residential: (2.0 units/acre or less), shall not exceed 0.22 pounds per acre per year.
 - 2. The post-development total phosphorus load for all other uses shall not exceed 0.45 pounds per acre per year.
 - (ii) Lead:
 - 1. The post-development total lead load for nonresidential uses and residential uses at a density greater than 2.0 units per acre located in areas identified for such uses in the comprehensive plan shall not exceed 0.19 pounds per acre per year.
 - 2. The post-development total lead load for all other uses shall not exceed 0.03 pounds per acre per year.
 - b. For redevelopment sites not currently served by water quality best management practices, the existing nonpoint-source pollution runoff loads of phosphorus and lead shall be reduced by at least ten percent after

redevelopment; however, the loads of such elements need not be reduced below the levels set forth in subsection (d)(1)a.

- c. For redevelopment sites currently served by water quality best management practices, the post-development, nonpoint-source pollution runoff loads of phosphorus and lead shall not exceed the existing loads or the loads set forth in subsection (d)(1)a, whichever are greater.

(2) Compliance ~~The following stormwater management options shall be considered to comply with the requirements of subsection (d)(1): shall be achieved on site through incorporation of best management practices that achieve the required control, unless the director of environmental engineering determines that one of the following storm water management options has been satisfied.~~

- a. ~~Incorporation on the site of best management practices that achieve the required control.~~

- b.a. Compliance with a locally adopted regional stormwater management program incorporating pro rata share payments pursuant to the authority provided in Code of Virginia, § 15.2-2243, that achieves equivalent water quality protection. Mitigation measures approved by the director of environmental engineering in conjunction with the plan approval process. Mitigation measures may include, but are not limited to, the following: (i) construction of BMP's on or off-site, (ii) retrofitting an existing BMP on or off-site, (iii) stream or buffer enhancements or restoration, (iv) purchasing of credits from owners of other property in the watershed when best management practices on the other property exceed the required control, (v) use of perpetual conservation or open space easements, and (vi) if the foregoing mitigation measures are not adequate to achieve the required control, payment to the County of cash sufficient to achieve the required control through other mitigation measures as determined by the director of environmental engineering. Mitigation measures shall be approved by the director of environmental engineering only when: (i) the proposed mitigation measures are located within the Upper Swift Creek watershed, (ii) the proposed mitigation measures are sufficient to achieve the required control, and (iii) the applicant provides an engineer's certification that there is no viable means of sufficiently achieving the required control on site. Unless otherwise determined by the director of environmental engineering, mitigations measures shall be located in the same subwatershed of the Upper Swift Creek watershed.

- b. Property that the director of planning has determined to be vested as to the right to comply with the required control through pro rata payments for regional BMPs pursuant to Article VI of chapter 12 repealed [date of adoption], shall achieve compliance through (i) a pro rata payment equal to what would have been required under chapter 12, which shall be used for mitigation measures in the watershed as determined by the director of environmental engineering, (ii) compliance with the other provisions of 19-238(d)(2), or (iii) a combination thereof.

- c. Compliance with a state or locally implemented program of stormwater discharge permits pursuant to section 402(p) of the federal Clean Water Act, as set forth in 40 CFR 122, 123, 124 and 504, dated December 7, 1988.
- d. For a redevelopment site that is completely impervious as currently developed, restoring a minimum of 20 percent of the site to vegetated open space.

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Sec. 19-238.5. Boundary adjustments.

(a) Boundary adjustments to resource management areas, as provided for in section 19-231, shall not be permitted in the Upper Swift Creek watershed. The director of environmental engineering shall not grant an exception to this provision, provided, however, that an applicant may seek relief from this provision pursuant to section 19-19.

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Sec. 19-240. Exceptions.

- (a) ~~A written request for an exception to this division's requirements shall be made to the director of environmental engineering. It shall be accompanied by a water quality impact assessment identifying the impact of the proposed exception on such aspects as water quality and lands within the Upper Swift Creek watershed.~~
- (b) ~~The director of environmental engineering shall review the exception request and the water quality impact assessment. In making a determination, he may impose conditions or require alternatives that are necessary to protect water quality, protect the public safety and welfare and further the purpose and intent of this division. He may grant the exception if he finds all of the following:~~
 - (1) ~~Granting the exception shall not confer any special privileges upon the applicant that are denied by this division to other property owners in the Upper Swift Creek watershed.~~
 - (2) ~~The exception request is not based on conditions or circumstances that are self-created or self-imposed.~~
 - (3) ~~The exception request is the minimum necessary to afford relief.~~
 - (4) ~~The exception request will be consistent with the purpose and intent of this division and not injurious to the neighborhood or otherwise detrimental to the public safety and welfare.~~
 - (5) ~~Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.~~
- (c) ~~Any person aggrieved by the director of environmental engineering's decision concerning an exception request may appeal the decision in accordance with section 19-268.~~

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(2) *That these ordinances shall become effective immediately upon adoption*
(1925(05)(23):72896. - REVISED 09/25/06 @ 11:08a.m.)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

Mr. Turner recalled Case 06SN0322, New Cingular Wireless PCS, LLC.

06SN0322:* (Amended) In Matoaca Magisterial District, **NEW CINGULAR WIRELESS PCS, LLC** requested Conditional Use and amendment of zoning district map to permit a communications tower in a Residential (R-88) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 5.0 acres of a 109 acre parcel fronting approximately 1,800 feet on the west line of Ivey Mill Road approximately 2,200 feet on the north line of Lake Chesdin Parkway and located in the northwest quadrant of the intersection of these roads. Tax ID 734-630-1881.

Mr. Burke Lewis, the applicant's representative, stated he had been unable to resolve the concerns of the individuals in opposition to the request and asked the Commission to consider granting a deferral to the November 16, 2006, Planning Commission meeting to allow him to meet with the residents.

In response to Mr. Wilson's suggestion, Mr. Lewis requested deferral to the December 14, 2006, Planning Commission meeting.

Mr. Wilson opened the discussion for public comment relative to the deferral.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one else to speak, Mr. Wilson closed the public comment.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved to defer Case 06SN0322 to the December 14, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

Mr. Turner recalled Case 06SN0325, Vernon McClure.

06SN0325:* In Matoaca Magisterial District, **VERNON MCCLURE** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.0 units per acre or less. This request lies on 18.1 acres fronting approximately 580 feet on the west line of Otterdale Road, approximately 1,330 feet south of Broadmoor Road. Tax ID 708-680-1184.

Mr. Clay presented an overview of the request and staff's recommendation for approval, noting on October 16, 2006, the applicant submitted revisions to address concerns outlined in the "Request Analysis," which he outlined (reference to site plan approval in Proffered Condition 6 has been deleted; concerns relative to front setbacks for accessory structures had been addressed; landscaping requirements for cluster homes

has been eliminated; and the section of the Zoning Ordinance relative to exterior lighting has been corrected.

Mr. Harley Joseph, the applicant's representative, did not accept the recommendation, noting objection to recommended Condition 2 regarding average overall lot sizes for any lots having sole access through the adjacent R-12 development to the north.

Mr. Wilson opened the discussion for public comment.

Ms. Kitty Snow, a Moseley resident, expressed concerns relative to the lack of public facilities to support further residential development, and the cumulative effect of existing/approved development, in the Upper Swift Creek Plan area. She stated approval of further development in the area was detrimental, irresponsible and dangerous and asked the Commission to recommend denial of the request.

Mr. C. L. Morrissette, a County resident, expressed concerns relative to the proposal.

Ms. Marleen Durfee, Executive Director of the Responsible Growth Alliance for Chesterfield, also expressed concerns relative to the lack of public facilities to support further residential development, and the cumulative effect of existing/approved development, in the Upper Swift Creek Plan area.

There being no one else to speak, Mr. Wilson closed the public comment.

Mr. Bass expressed concerns relative to the lack of infrastructure to support area growth and expressed his desires that the *Upper Swift Creek Plan* Amendment suggest that growth be deferred in this area until adequate public facilities were made available.

Mr. Bass made a motion, seconded by Mr. Gulley, that the Commission recommend denial of Case 06SN0325.

Mr. Litton expressed concerns that 6,000 square foot lots were proposed.

Mr. Gecker suggested that it may be appropriate to defer the case so as to further discuss possible conditions under which residential zoning may be appropriate.

Mr. Gulley stated there was a motion on the floor and moved to call the question on the vote for Case 06SN0325.

Mr. Wilson called the question to vote on Case 06SN0325 and the vote was as follows:

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

The vote on Mr. Bass' motion, seconded by Mr. Gulley, to recommend denial of Case 06SN0325 was as follows:

AYES: Messrs. Gulley, Litton and Bass.

NAYS: None.

ABSTENTIONS: Messrs. Wilson and Gecker.

06SN0345: In Matoaca Magisterial District, **GARY LIST AND LUANN LIST** requested Conditional Use and amendment of zoning district map to permit a residential stock farm (keeping of chickens) in a Residential (R-25) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation area use. This request lies on 1.9 acres and is known as 11918 Riverpark Way. Tax ID 722-649-0486.

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting that although the *Southern and Western Area Plan* suggested that the growth be deferred in this area until adequate provisions for public facilities were provided, typical suburban residential development had occurred in this area and the proposed land use was incompatible with existing area residential development.

Mr. Gary List, one of the applicants, did not accept the recommendation.

Mr. Wilson opened the discussion for public comment.

Mr. Don Fairchild, an area resident, voiced opposition to the request, citing concerns relative to noise, odor and the impact of the use on area property values.

There being no one else to speak, Mr. Wilson closed the public comment.

Mr. Bass indicated he felt the proposed use was inappropriate in a residential area.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend denial of Case 06SN0345.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

The Commission recessed at approximately 9:22 p. m. and reconvened at approximately 9:36 p. m.

06SN0155:* (Amended) In Midlothian Magisterial District, **CONTINENTAL 184 FUND LLC** requested rezoning and amendment of zoning district map from Community Business (C-3), Residential (R-7) and Agricultural (A) to Regional Business (C-4) with Conditional Use to permit multifamily residential uses and a Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and medium density residential use of 1.51 to 4.0 units per acre. This request lies on 70.1 acres fronting approximately 400 feet on the south line of Robious Road approximately 1,780 feet on the north line of Koger Center Boulevard and approximately 800 feet on the west line of Old Farm Road. Tax IDs 742-711-0925 and Part of 6653; 742-712-4671, 9467 and 9735; 742-713-8076 and 9753; 743-711-Part of 7937; 743-712-1198; and 743-713-0527.

Ms. Peterson presented an overview of the request and staff's recommendation for approval of the rezoning and denial of the waiver to street connectivity requirement to Old Farm Road. She referenced the Addendum, noting that on October 6, 2006, Proffered Condition 11 was amended, specifically reducing the proffer offered per dwelling unit from \$10,000 to \$6,750 to address the impact of the proposed development on roads, schools, libraries and fire stations. She stated the reduced amount only affected the contribution toward road improvements and, consequently, the remaining \$667 per dwelling unit to address the \$8,915 per unit impact on road facilities would adversely impact the County's ability to provide adequate road facilities. She stated staff continued to recommend approval of the rezoning request, subject to the

applicant fully addressing the impact on roads and street/pedestrian connectivity, as noted in the "Request Analysis."

Mr. John Easter, the applicant's representative, presented an overview of the request, noting the significance of the development for the County's economy and addressing issues relative to the reduced cash proffer and the waiver to the street connectivity requirements. He stated the applicant had offered full cash proffers for schools, libraries and fire stations but felt the reduction in the transportation portion of the proffer was appropriate given the major road improvements that would be provided by the development. He stated the applicant was requesting the street connectivity requirement to Old Farm Road be waived because area residents opposed the connection.

Mr. Wilson opened the discussion for public comment.

Reverend Debra Bosco, Ms. Sue Breslow, Ms. Darlene Reynolds, Mr. Richard Bosco and Ms. Suzanna Bagley, area residents, expressed their appreciation for the applicant's willingness to meet with them to discuss/resolve their concerns; however, they opposed the request, citing apprehension and uneasiness as to the impact of the development on area growth, wildlife, businesses, schools and other public services and their quality of life.

There being no one else to speak, Mr. Wilson closed the public comment.

In rebuttal, Mr. Easter addressed concerns expressed by area residents and indicated there would be no tree removal or wetlands disturbance by his client.

Mr. Gecker stated he felt the proposal offered protection in removing the potential of R-7 development in the area; reduced stress to infrastructure; provided significant road improvements; was a reinvestment in, and precluded erosion of, retail businesses; and provided a stabilizing protection to the country atmosphere in the community.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 06SN0155 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owner, pursuant to Section 15.2-2298 of the Code of Virginia (1950) (as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the property under consideration, known as Chesterfield County Tax Identification Numbers 742-711-6653 (part parcel), 742-711-0925, 742-712-4671, 742-712-9735, 742-712-9467, 742-713-9753, 742-713-8076, 743-711-7937 (part parcel), 743-712-1198, and 743-713-0527 (the "Property"), will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the Owner. In the event this request is denied or approved with conditions not agreed to by the Owner, the proffers and conditions shall immediately be null and void and of no further force or effect:

1. Master Plan. The textual statement dated September 8, 2006, and the Conceptual Plan, prepared by Vanasse Hangen Brustlin, Inc., dated September 7, 2006, ("Conceptual Plan") shall be considered the Master Plan. (P)
2. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property

until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

3. Public Water and Wastewater. The public water and wastewater systems shall be used. (U)
4. Building Height. Within the portion of the Property developed for multifamily use, no building shall exceed two (2) stories in height. (P)
5. Barrier Near Terminus of Larkhill Lane. A landscape barrier and/or fence shall be provided to impede pedestrian traffic between the Property and Larkhill Lane. The exact location and nature of such barrier shall be approved by the Planning Department in conjunction with the initial site plan approval. (P)
6. Density. The maximum density of this development shall be 160,000 square feet of discount club, 218,000 square feet of shopping center, 4,000 square feet of fast-food restaurant with drive through window, 4,000 square feet of drive-in bank and 400 apartments; or equivalent density as determined by the Transportation Department. This density may be increased by the Planning Commission in accordance with paragraph 1 of the Textual Statement. (T)
7. Dedication. The following rights-of-way shall be dedicated, free and unrestricted, to Chesterfield County prior to any site plan approval or within sixty (60) days from the date of a written request by the Transportation Department, whichever occurs first:
 - a. Forty-five (45) feet of right-of-way on the north side of Koger Center Boulevard measured from the centerline of that part of Koger Center Boulevard immediately adjacent to the Property.
 - b. Forty-five (45) feet of right-of-way on the south side of Robious Road measured from the centerline of that part of Robious Road immediately adjacent to the Property.
 - c. Seventy (70) foot wide right-of-way for a north/south collector ("Mall Drive Extended") from the western Property line, through the Property to Koger Center Boulevard, as generally shown as "Proposed Right of Way" on the Conceptual Plan. The exact location of this right-of-way shall be approved by the Transportation Department. (T)
8. Access.
 - a. Direct vehicular access from the Property to Koger Center Boulevard shall be limited to Mall Drive Extended and two (2) entrances/exits. Mall Drive Extended shall align the existing crossover on Koger Center Boulevard that serves Mall Drive. All other direct entrances/exits to Koger Center Boulevard shall be limited to right-turns-in and right-turns-out only. The exact location of these accesses shall be approved by the Transportation Department.
 - b. Direct vehicular access from the Property to Robious Road shall be limited to one (1) entrance/exit, generally located at the western Property line. This entrance/exit shall be limited to right-turns-in and right-turns-out only. The exact location of this access shall be approved by the Transportation Department.

- c. No vehicular access shall be provided from the Property to Old Farm Road or to Sesame Street.
 - d. Prior to any site plan approval, an access plan for Mall Drive Extended shall be submitted to and approved by the Transportation Department. Vehicular access from the Property to Mall Drive Extended shall conform to the approved access plan.
 - e. Prior to any site plan approval within Area A as identified on the Conceptual Plan, an access easement, acceptable to the Transportation Department, shall be recorded from Mall Drive Extended across the Property to the western Property line to provide access to Mall Drive Extended for the adjacent parcel to the west (Tax ID 7417123204). (T)
9. Transportation Improvements. To provide an adequate roadway system, the Developer shall be responsible for the following improvements. The exact design and length of these improvements shall be approved by the Transportation Department. Alternate road improvements, as requested by the Developer and approved by the Transportation Department, which will provide acceptable levels of service as determined by the Transportation Department, may be substituted for the road improvements identified in this proffered condition:
- a. Construction of a four-lane divided road for Mall Drive Extended, based on VDOT Urban Collector Standards (40 MPH) with modifications approved by the Transportation Department, from the western Property line, through the Property to Koger Center Boulevard.
 - b. Construction of additional pavement along the westbound lanes of Koger Center Boulevard at each approved access, including Mall Drive Extended, to provide separate right turn lanes.
 - c. Construction of additional pavement along the eastbound lanes of Koger Center Boulevard at the crossover that serves Mall Drive Extended to provide dual left turn lanes.
 - d. Construction of additional pavement along Mall Drive Extended at its intersection with Koger Center Boulevard to provide a six-lane divided typical section (i.e., four (4) southbound lanes and two (2) northbound lanes).
 - e. Construction of additional pavement along the eastbound lanes of Robious Road at the approved access to provide a separate right turn lane.
 - f. Full cost of traffic signalization at the Koger Center Boulevard/Mall Drive Extended intersection, as determined by the Transportation Department.
 - g. Construction of additional pavement along Mall Drive Extended at each approved access to provide left and right turn lanes, based on Transportation Department standards.

- h. Construction of a four-lane divided road for Mall Drive Extended, based on VDOT Urban Collector Standards (40 MPH) with modifications approved by the Transportation Department, from the western Property line to Robious Road.
 - i. Construction of additional pavement along Mall Drive Extended at its intersection with Robious Road to provide a six-lane divided typical section (i.e., four (4) northbound lanes and two (2) southbound lanes).
 - j. Construction of additional pavement along the eastbound lanes of Robious Road at the Mall Drive Extended intersection to provide a separate right turn lane.
 - k. Construction of additional pavement along westbound lanes of Robious Road at the crossover that serves Mall Drive Extended to provide an adequate left turn lane.
 - l. Full cost of traffic signal modification at the Robious Road/Mall Drive Extended intersection, as determined by the Transportation Department.
 - m. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
10. Phasing Plan. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 9, shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require, among other things, that: 1) prior to the issuance of an occupancy permit for any development within Area A as identified on the Conceptual Plan, the road improvements as identified in Proffered Condition 9 a., b. (only a right turn lane for Mall Drive Extended), c., d., and f. shall be completed as determined by the Transportation Department; and 2) prior to the issuance of an occupancy permit for any development within Area B as identified on the Conceptual Plan, the road improvements as identified in Proffered Condition 9. h, i., j., k., and l. shall be completed as determined by the Transportation Department. (T)
11. Impacts on Capital Facilities. The Applicant, subdivider, or assignee(s) shall pay, prior to the issuance of each building permit, the following to the County of Chesterfield for infrastructure improvements within the service district for the property:
- a. If payment is made prior to July 1, 2007, \$6,750.00 per dwelling unit. At time of payment, \$6,750.00 will be allocated pro-rata among the facility costs as follows: \$348.00 for library facilities, \$667.00 for roads, \$404.00 for fire stations, and \$5,331.00 for schools; or
 - b. If payment is made after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$6,750.00 per dwelling unit as set forth in Proffered Condition 11(a) above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made.
 - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.

- d. If Chesterfield County imposes impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. (B&M)
- 12. Dedication of Parkland. Upon request by the Parks and Recreation Department, the Owner shall, prior to issuance of any building permit on the Property, dedicate, free and unrestricted, for the benefit of Chesterfield County, the property known as Tax ID 743-712-5024. (P&R)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to recommend approval of the waiver to the "Residential Subdivision Connectivity Policy requirements to Old Farm Road.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0330:* In Dale Magisterial District, **JHM, LLC AND CYNTHIA W. AND STEVE W. BRICKELL** requested amendments to rezoning (Cases 74S042, 75S045 and 78S005) to delete certain buffer requirements on 4.3 acres zoned General Business (C-5) and rezoning and amendment of zoning district map from Residential (R-7) and Community Business (C-3) to General Business (C-5) of 1.0 acre. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 5.3 acres fronting approximately 130 feet on the north line of Canasta Drive, also fronting approximately 470 feet on the west line of Iron Bridge Road and located in the northwest quadrant of the intersection of these roads. Tax IDs 773-680-6620, 7615, 8039 and 8757.

Ms. Orr presented an overview of the request and staff's recommendation for denial of Request I for amendments to previously granted zoning (Cases 74S042, 75S045 and 78S005) to delete certain buffer requirements on 4.3 acres zoned General Business (C-5) and denial of Request II for the rezoning from Residential (R-7) and Community Business (C-3) to General Business (C-5) of 1.0 acre. She referenced the Addendum noting that, on October 5, 2006, additional Proffered Conditions were submitted limiting access to Route 10 and Canasta Drive and requiring right of way dedication and construction of additional pavement and turn lanes on Route 10, under certain circumstances. She stated the Transportation Department continued to recommend denial of the rezoning (Request II) as the applicants were not willing to dedicate right-of-way along Canasta Drive in accordance with the *Thoroughfare Plan*; the applicants were not willing to preclude access to Canasta Drive, a major arterial on the county's *Thoroughfare Plan*, and Proffered Condition 2, as amended, was not enforceable.

Mr. Jeff Collins, the applicant's representative, did not accept staff's recommendations; distributed copies of a preliminary layout of the proposed development for the Commission's review; addressed concerns relative to buffers, access to Canasta Drive and other concerns; noted the applicants have proffered significant area road improvements; indicated the applicants felt staff's concerns had been adequately addressed; and asked due consideration for, and a recommendation for approval of, the request.

Mr. Wilson opened the discussion for public comment.

Mr. Robert Hansford, an adjacent property owner, opposed the request, citing concerns relative to limited access to Canasta Drive and that the development would generate potential safety hazards and adversely impact area traffic patterns.

Mr. C. L. Morrisette, a County resident, expressed concerns relative to buffer requirements along Route 10.

There being no one else to speak, Mr. Wilson closed the public comment.

In rebuttal, Mr. Collins stated his clients were agreeable to amending the proffered conditions to include the dedication of the right of way on Canasta Drive and would work with staff to provide the appropriate language for the condition prior to the request being considered by the Board of Supervisors.

Mr. Litton indicated that, in his opinion, the proposal offered a better alternative which would minimize the amount of truck traffic through the neighborhood.

On motion of Mr. Litton, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 06SN0330, subject to the following condition and acceptance of the following proffered conditions:

CONDITION

With the approval of this request, Condition 1 of Case 74S042, the Condition of Case 75S045 and Condition 1 of Case 78S005 are deleted, and Condition 2 of Case 74S042 is amended to delete the twenty (20) foot buffer along the western property boundary of Tax ID 773-680-8039. (P)

(Staff Note: This Condition is applicable to Tax IDs 773-680-8039 and 8757 only. The twenty (20) foot wide buffers along the rear of the parcels remains in effect.)

PROFFERED CONDITIONS

1. Permitted uses on Tax IDs 773-680-6620 and 7615 shall be limited to the following:
 - a. Uses permitted by right and with restrictions in the Community Business (C-3) District, and
 - b. Contractor's shops and storage yards (P)

THE FOLLOWING PROFFERED CONDITIONS APPLY TO GPIN 773-680-8757, 773-680-8039, 773-680-662- AND 773-680-7615.

2. Direct vehicular access from the property to Route 10 shall be limited to one (1) entrance/exit, located approximately halfway between Canasta Drive and the existing crossover to the east. Direct vehicular access from the property to Canasta Drive shall be limited to one (1) entrance/exit that aligns generally with Wilmoth Drive. The access to Canasta Drive shall be designed to preclude vehicles with a gross vehicle weight over 10,000 pounds leaving the property turning north on Canasta Drive, as approved by the Department of Transportation. (T)
3. Prior to any site plan approval or at the request of the Transportation Department within 120 days of approval this request, the following right-of-way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County:

- a. One hundred (100) feet on the west side of Route 10, measured from the centerline of the roadway, immediately adjacent to the property.
 - b. Forty-five (45) feet, measured from the centerline of Canasta Drive, immediately adjacent to the property. (T)
4. Prior to the issuance of a certificate of occupancy for any use other than a contractor's office and associated facilities, an additional lane of pavement shall be constructed along Route 10 for the entire property frontage. Prior to the issuance of a certificate of occupancy for any development that is anticipated to generate more than 3,000 vehicles per day, as determined by the Transportation Department, a separate right turn lane shall be constructed along Route 10 at the site access. (T)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0339:* In Matoaca Magisterial District, **HULL STREET ASSOCIATES, LLC AND MICHAEL DZAMAN, MANAGING MEMBER** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 15.9 acres fronting approximately 650 feet on the south line of Hull Street Road approximately 2,330 feet west of Otterdale Road, also fronting approximately 250 feet on the north line of Hampton Park Drive. Tax IDs 710-668-3301 and 6409.

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting that while the proposed zoning and land uses conformed to the *Upper Swift Creek Plan*, the application failed to address transportation impacts relative to access limitations and the provision of public roads; the Proffered Conditions provide the ability to age restrict occupants within the development that may result in enforcement issues; and the water quality proffer was not legally acceptable. She referenced the Addendum noting that, on October 6, 2006, Proffered Condition 4 addressing water quality was amended to delete reference to the pro-rata payment. She also noted that staff's recommendation in the "Request Analysis" incorrectly identified an objection to the requested exception to the provision of off-street parking, noting however that staff was supportive of this exception.

Mr. Michael Dzaman, the applicant's representative, did not accept staff's recommendation, noting his client did not feel it was financially feasible, or aesthetically attractive, to provide public roads in a residential townhouse subdivision development and that such roads would permit more impervious run-off. He further cited an extensive list of road improvements, including accesses to Hull Street Road and dedication of right of way, planned in conjunction with the proposed development but asked that the applicant be allowed to phase the improvements in a manner which would permit the improvements to be constructed at the time they were actually needed for use.

Mr. Wilson opened the discussion for public comment.

Mr. C. L. Morrisette, a County resident; Mr. Thomas Phearson, an adjacent property owner; and Ms. Marleen Durfee, Executive Director of the Responsible Growth Alliance for Chesterfield, expressed concerns relative to the lack of buffers and architectural standards and the lack of adequate roads to support area growth.

Mr. Hugh Dickerson, an adjacent property owner, voiced support for the townhouse development.

There being no one else to speak, Mr. Wilson closed the public comment.

In rebuttal, Mr. Dzaman expressed appreciation to Mr. Bass and staff for their assistance and asked the Commission to consider forwarding a favorable recommendation to the Board of Supervisors.

Messrs. Bass and Gulley noted that the transportation concerns had not been addressed and they could not support the request, as presented.

Mr. Litton expressed concerns that the application failed to address minimum house size and architectural standards.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved to recommend denial of Case 06SN0339.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

G. CITIZENS' INPUT ON UNSCHEDULED MATTERS.

Ms. Marleen Durfee referenced discussion at the Work Session relative to the Commission's *"Suggested Practices and Procedures"* and asked the Commission to be mindful of inconsistencies in, and fairly allot, the time allowed the applicant's representative and the time allowed citizens to present their comments to the Commission.

Mr. C. L. Morrisette, a County resident, also referenced the Commission's *"Suggested Practices and Procedures,"* legal requirements pertaining to public notices and posting of zoning signs; and expressed concerns relative to County staff being included in the preparation/recommendation process of zoning requests, noting he felt this was unconstitutional and should be reviewed/revised.

Mr. Reuben Waller, a Midlothian District resident and County businessperson, commended staff for their skill, knowledge and efforts in administering the zoning regulations of the County; asked that applicants and/or their legal representatives not be permitted to participate in the Commission's deliberations of cases as such actions placed undue, unintentional burdens on staff to prepare/provide conditions or other significant information at late hours of the evening and at times when all those involved were fatigued; and asked the Commission to consider improving the process by being fair and showing respect to others.

H. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Gulley, that the meeting adjourned at approximately 11:19 p. m. to Thursday, November 16, 2006, at 12:00 Noon in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

Chairman/Date

Secretary/Date